

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re.

No. C 14-108 SI (pr)

JOEL P. WHITNEY,

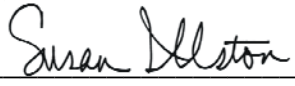
**ORDER OF DISMISSAL**

Plaintiff.

Plaintiff sent to the court a letter complaining about his medical care in prison. In an effort to protect his rights, a new action was opened and the letter was filed on January 8, 2014. Plaintiff was informed that he had not filed a complaint, and was given 28 days to do so or the action would be dismissed. He also was sent a notice that he had not paid the filing fee or applied for leave to proceed *in forma pauperis*, and was given 28 days to either pay the fee or file the application or the action would be dismissed. Plaintiff did not file a complaint or file an *in forma pauperis* application or pay the fee. He did, however, send a letter in which he stated that he had not intended to file a new civil action; rather, he had intended his earlier letter to be for informational purposes and was not yet prepared to file a complaint because he has several things to take care of before he could file a complaint (e.g., exhausting administrative remedies and file a government control claim for his state law claims). This action therefore is DISMISSED because it was opened in error. No fee is due because the action was opened in error. The clerk shall close the file.

IT IS SO ORDERED.

Dated: February 11, 2014

  
SUSAN ILLSTON  
United States District Judge